

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MATTHEW JOHNSTON, et al.,</b>	:	<b>CIVIL ACTION NO. 1:05-CV-1518</b>
	:	
<b>Plaintiffs</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>DAUPHIN BOROUGH, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 27th day of June, 2006, upon consideration of defendants' motion to dismiss the first amended complaint (Doc. 22),<sup>1</sup> and it appearing that plaintiffs have filed a second amended complaint (see Doc. 25), see FED. R. CIV. P. 15(a) ("A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served . . . ."), that the second amended complaint renders the first amended complaint a legal nullity, see Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002) ("An amended complaint supercedes the original version in providing the blueprint for the future course of the lawsuit."); 6 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (2d ed. 1990) ("Once an amended pleading is interposed, the original pleading no longer performs any function in the case . . . ."), and that the above-

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<sup>1</sup> The memorandum and order of court dated May 22, 2006 (Doc. 15) allowed plaintiffs to file an amended complaint supporting any substantive due process, equal protection, or state law claims.

captioned case has been referred to mediation (see Doc. 16), it is hereby ORDERED that:

1. The motion to dismiss the first amended complaint (Doc. 22) is DENIED as moot.
2. All proceedings in the above-captioned case, including defendants' required response to the second amended complaint, are held in ABEYANCE pending mediation.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge